

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

10/550146

Applicant's or agent's file reference 2003P03718WO	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/EP2004/003023	International filing date (day/month/year) 22.03.2004	Priority date (day/month/year) 21.03.2003
International Patent Classification (IPC) or national classification and IPC H04L12/56		
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</i> <input type="checkbox"/> <i>sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</i> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 20.01.2005	Date of completion of this report 18.03.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Perez Perez, J Telephone No. +31 70 340-3774



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/003023

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4,6-8,10,11
	No: Claims	1,5,9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

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Re Item V.

1 The following documents are referred to in this communication:

D1 : "Extreme Standby Router Protocol and Virtual Routing Redundancy Protocol"
EXTREME NETWORKS, [Online] 31 July 2002 (2002-07-31), XP002243350
Retrieved from the Internet: URL:<http://builder.itpapers.com/whitepaper>
s/; [retrieved on 2003-06-03]

D2 : US 2003/031180 A1 (DATTA SANCHITA ET AL) 13 February 2003 (2003-02-13)

2 INDEPENDENT CLAIMS 1 AND 9

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 is not new in the sense of Article 33(2) PCT. The document D1 discloses (the references in parentheses applying to this document):

A method for routing telecommunications traffic between a network and a subnetwork (page 2, lines 8,9), in which routing devices of the subnetwork route the traffic in the subnetwork according to a redundancy protocol (page 1, lines 4-12), the method comprising the steps of:

setting criteria that relates a condition of the network to the redundancy protocol of the subnetwork (page 3, lines 20-25); and
triggering switching between the routing device of the subnetwork on the basis of the criteria (page 3, lines 16-19).

2.2 The same considerations apply to claim 9 that defines a system implementing the method of claim 1. Therefore claim 9 is not new in the sense of Article 33(2) PCT

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3 DEPENDENT CLAIMS 2-8,10,11

Dependent claims 2-8,10,11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

For example the document D1 discloses:

A method for using the router availability information contained in a routing table as a criteria for selecting a router device in accordance with a redundancy protocol (see page 4, lines 14-31 of D1).

Furthermore document D2 shows the use of the traffic load of a router interface as a criteria to switching of the router devices according to a redundancy protocol (see paragraphs [0062] and [0064] of D2).